

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 03-10383-RGS
)	
JULIO FRANCO)	
)	

GOVERNMENT'S ASSENTED TO MOTION TO POSTPONE TRIAL AND EXCLUDE
TIME FROM THE PROVISIONS OF THE SPEEDY TRIAL ACT

Now comes the United States, by its attorneys, Michael J. Sullivan, United States Attorney, and David G. Tobin, Assistant U.S. Attorney, and hereby moves this Honorable Court to postpone the trial in this matter currently scheduled to commence on March 24, 2004, and to exclude from all Speedy Trial Act calculations the period of time from March 10, 2008 to and including the date of the next status conference in this case.

It support of this motion, the Government avers the following: 1) On December 27, 2007, the Court granted the Government's Assented to Motion to Continue Trial and re-scheduled the trial to commence on March 24, 2008; 2) On February 11, 2008, counsel for Defendant Franco filed a Motion for Discovery seeking documents relating to two Columbian wiretaps; 3) On March 10, 2008, the Government filed its Response to Defendant's Motion for Discovery asserting that the Government did not possess the requested documents but would attempt to obtain the documents from the national government of Columbia; 4) On March 10, 2008, the undersigned attorney for the United States

spoke with Attorney Frank Camera, counsel for Defendant Franco, and explained that the process of seeking assistance in a criminal justice matter from another nation may take a period of time to accomplish; and 5) the undersigned attorney for the United States and Attorney Camera agreed to ask the Court to postpone the trial and schedule a status conference in three months in order to address the progress made in obtaining the requested documents. During this conversation, Attorney Camera agreed to exclude from the provisions of the Speedy Trial Act the period of time until the status conference. The requested excludable delay is made pursuant to 18 U.S.C. § 3161(h)(1)(F) and § 3161(h)(8)(A)). The requested delay is in the interests of justice and outweighs the best interests of the public and the defendants in a speedy trial.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ David G. Tobin
DAVID G. TOBIN
Assistant U.S. Attorney

Date: March 10, 2008

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ David G. Tobin
DAVID G. TOBIN
Assistant United States Attorney

Date: March 10, 2008

